

**REMARKS**

Claims 1-50 are pending in this application. Reconsideration of the above-identified application in view of the following remarks is respectfully requested. Claims 1, 6, 12, 14, 15, 27, 38 and 43-48 are independent.

**Rejections Under 35 U.S.C. § 102(e):**

Claims 38-42 were rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Publication No. 2002/0187784A1 to Tigerstedt et al. ("Tigerstedt"). Claim 38 is independent.

As discussed in an earlier response, one embodiment of Applicant's invention provides a method for enabling a mobile terminal to quickly identify network services, such as digital audio or video broadcasts, in a multi-bearer network. Such broadcasts may be, e.g., radio or television programs. In one embodiment, the identification of network services is accomplished by the use of pointer data in each of the channels in the system. The pointer data identifies an all-announcement channel, which includes announcements identifying each of the services transmitted on each of the channels in the system. In this manner, bandwidth is conserved by the network's not having to transmit service information on each channel. Likewise, time is saved by the user's not having to search each channel in the system for a service of interest.

In contrast, the Tigerstedt reference is merely directed to a method for effecting a coverage-based handover operation by sending system information messages on a broadcast control channel. None of the foregoing advantages of the present invention are accomplished by the system of Tigerstedt.

Claim 38 is directed to a mobile terminal having at least two receivers enabling the mobile terminal to receive service announcement information of different protocols, comprising:

means for receiving at least one of a digital audio or video broadcast service on a first channel; and

means for receiving pointer data on the first channel, wherein the pointer data identifies a second channel on which a service announcement identifying the service received on the first channel is located.

In traversing the rejection of claims 38-42 in view of Tigerstedt in the prior Office Action mailed on April 21, 2004, Applicant asserted that it was unclear what in Tigerstedt the Office Action was contending corresponds to the claimed “service” and also explained in detail why Tigerstedt does not teach or suggest the claimed features of: “at least one of a digital audio or video broadcast service”; “pointer data”; “pointer data [that] identifies a second channel in which a service announcement identifying the service received on the first channel is located”; “means for receiving pointer data”; and a second channel “on which a service announcement identifying the service received on the first channel is located”. The relevant remarks from Applicant’s response are reproduced below:

As a preliminary matter, Applicant respectfully submits that the Office Action is unclear, among other things, as to what in Tigerstedt the Office contends corresponds to the claimed “service”. In any event, control messages for use in conducting a handover, which are received via a broadcast, as in Tigerstedt, neither teach nor suggest “at least one of a digital audio or video broadcast service”, as required by amended claim 38. Applicant has amended claim 38 to clarify this feature of the present invention. Nevertheless, claim 38 is not anticipated by Tigerstedt for other reasons as well.

For example, the Office action relies on a “triggering parameter” of Tigerstedt as satisfying the “pointer data” feature of claim 38. However, a triggering parameter in Tigerstedt is merely a measured

parameter, such as a mobile terminal's transmission power, which is compared by the network against a threshold value in determining when a handover should be performed. (See, Tigerstedt, e.g., p.2, para. 0019) This clearly is not "pointer data" as required by claim 38, let alone "pointer data [that] identifies a second channel on which a service announcement identifying the service received on the first channel is located". Furthermore, claim 38 is directed to a mobile terminal that includes means for receiving pointer data. In Tigerstedt, the triggering parameter is not something received by a mobile terminal, as required by claim 38. Rather, as mentioned above, it is a parameter measured by the network.

Additionally, even when instructed to perform a handover, the mobile terminal in Tigerstedt, although advised of the new channel to which to tune, does not receive anything that identifies a second channel "on which a service announcement identifying the service received on the first channel is located".

For at least the foregoing reasons, Applicant respectfully submits that claim 38 is clearly not anticipated by Tigerstedt.

(Applicant's Response to April 21, 2004 OA, pp 13 & 14)

Rather than responding to Applicant's request for clarification and its arguments as to why claim 38 is allowable over Tigerstedt, however, the outstanding Office Action simply reiterates *verbatim* the same grounds of rejection set forth in the April 21, 2004 Office Action. Applicant respectfully submits that this is improper, especially given that the Office Action provides that "Applicant's arguments with respect claims 1-50, have been considered but are moot in view of the *new* ground(s) of rejection."

Accordingly, for at the reasons set forth in its Response to the April 21, 2004 Office Action, Applicant respectfully submits that claims 38-42 are allowable over Tigerstedt. To the extent that claims 38-42 are not allowed, Applicant respectfully requests that a non-final Office Action be issued in which Applicant's request for clarification and its arguments for allowance of claim 38 are clearly addressed.

**Rejections Under 35 U.S.C. §103:****Claims 1, 6, 12, 14, 15, 27 and 43-48:**

Claims 1-14 and 43-46 were rejected under 35 U.S.C. §103 as being unpatentable over Keronen et al. (U.S. 2003/003909 A1) in view of Vakil (U.S. 2002/0009993) [sic: U.S. 2002/0167921 A1].

Claims 15, 18-37 and 47-49 were rejected under 35 U.S.C. §103 as being unpatentable over Keronen in view of Vakil and further in view of Abecassis (U.S. 6,192,340).

Claims 1, 6, 12, 14, 15, 27 and 43-48 are independent.

As a preliminary matter, Applicant notes that the instant Office Action substitutes Vakil for the Dastrup reference previously applied in the April 21, 2004 Office Action to reject the foregoing claims in combination with Keronen and Abecassis. However, the instant Office Action still mistakenly refers at times to Dastrup rather than Vakil in rejecting the claims, and the specific citations (pages/section numbers) to Vakil in support of the rejections are actually citations to pages and section numbers of Dastrup, which appear to have been “left over” from the April 21, 2004 Office Action. (See, e.g., outstanding Office Action, p. 4, lines 7-9, p. 6, lines 12-17) Applicant further notes that although the instant Office Action rejects claim 15 over Keronen in view of Vakil and further in view of Abecassis, nowhere in the explanation of the rejection of claim 15 does the Office Action mention Vakil and, in addition, the citations (page/section & column/line) to the applied references are identical to those in the prior Office Action’s rejection of claim 15 indicating that they are to Keronen, *Dastrup* and Abecassis rather than to Vakil. Other inaccuracies are present throughout the Office Action.

To traverse the rejection of claims 1, 6, 12, 14, 15, 27 and 43-48, Applicant respectfully reiterates its remarks concerning both Keronen and Abecassis made in response to

the rejection of those claims in the April 21, 2004 Office Action. Vakil, which is directed to a method and apparatus for performing a soft hand-off in an IP centric CDMA environment, fails to cure the stated deficiencies in those references. Accordingly, Applicant respectfully submits that the combination of Keronen, Vakil and Abecassis fails to teach or suggest the claimed invention.

In addition, Applicant respectfully submits that, pursuant to 35 U.S.C. §103(c), Keronen is not even available for use in precluding the patentability of claims 1, 6, 12, 14, 15, 27 and 43-48. This is because the subject matter of Keronen, which corresponds to U.S. Application Ser. No. 09/896,964 (“the Keronen application”), and the claimed invention were, at the time the claimed invention was made, owned by the same entity or subject to an obligation of assignment to the same entity – namely, Nokia Corporation. See 35 U.S.C. §103(c). In particular, the assignment of the Keronen application to Nokia Corporation was recorded with the U.S. Patent & Trademark Office (“USPTO”) on September 17, 2001 at Reel 012170 and Frame 0090. The assignment of the instant application to Nokia Corporation was recorded with the USPTO on January 25, 2002 at Reel 012514 and Frame 0463.

In view of the foregoing, Applicant respectfully requests that the rejection of claims 1, 6, 12, 14, 15, 27 and 43-48 in view of Keronen in combination with Vakil and Abecassis be withdrawn.

**Dependent Claims:**

Applicant does not believe it necessary at this time to address the rejections of the dependent claims as Applicant believes that the foregoing arguments place the independent claims in condition for allowance. Applicant, however, reserves the right to address those rejections in the future should such a response be deemed necessary and appropriate.

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance, and an early and favorable examination on the merits is respectfully requested.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

### **AUTHORIZATION**

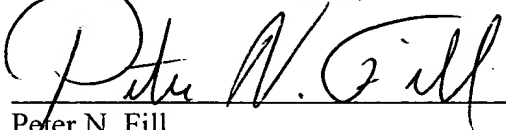
The Commissioner is hereby authorized to charge any additional fees which may be required by this response, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4061. A DUPLICATE COPY OF THIS PAPER IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4061. A DUPLICATE COPY OF THIS PAPER IS ATTACHED.

Respectfully submitted,  
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Dated: March 21, 2005

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